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Attorneys For Plaintiff Elsy Garcia De Mira

**UNITED STATES DISTRICT COURT OF CALIFORNIA**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE BRANCH**

ELSY GARCIA DE MIRA, individually,  
and on behalf of all others similarly  
situated,

Plaintiff,

vs.

HEARTLAND EMPLOYMENT  
SERVICE, LLC.; and DOES 1 through 10  
inclusive

Defendants.

CASE NO: CV 12-04092 LHK

CLASS ACTION

**PLAINTIFF'S NOTICE OF MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

[Filed concurrently with Plaintiff's Motion  
For Preliminary Approval; Memorandum Of  
Points And Authorities; Declaration Of  
Jennifer L. Connor; Declaration Of Elsy De  
Mira; and [Proposed] Order submitted  
herewith]

**HEARING**

Date: September 26, 2013

Time: 1:30 p.m.

Place: Ctrm. 8 – 4<sup>th</sup> Floor

Action Filed: August 3, 2012

Trial Date: August 18, 2014

**TO THE COURT, TO ALL PARTIES, AND TO THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE THAT, on a September 26, 2013 at 1:30 p.m., or as soon thereafter as the matter can be heard in Courtroom No. 8 in the above-entitled action located at 280 South 1<sup>st</sup> Street, San Jose, California, Plaintiff Elsy Garcia De Mira ("Plaintiff") will move the Court for an Order granting preliminary approval of the proposed class action settlement between Plaintiff and Defendant Heartland Employment Services, LLC ("Defendant" or "Heartland"). Plaintiff will further move the Court for an Order:

1. Certifying a Class for settlement purposes;
2. Appointing Elsy Garcia De Mira as the Class Representative for settlement purposes;
3. Appointing Plaintiff's Counsel, Spiro Moore, LLP and Law Offices Of Sahag Majarian II as Class Counsel for settlement purposes;
4. Approving the [Proposed] Notice Of Class Action Settlement in the form provided by the Parties and pursuant to the proposed settlement;
5. Approving the [Proposed] Claim Form in the form provided by the Parties pursuant to the proposed settlement;
6. Approving the opt-out and objection procedures provided in the Settlement presented to the Court;
7. Directing a third-party administrator, currently proposed as Gilardi & Co., LLC to mail Notice Of Proposed Class Action Settlement to Plaintiff Class Members and otherwise administer the proposed Settlement; and
8. Set a Final Approval Hearing date.

1 This Motion will be based upon this Notice, Plaintiff's Motion For Preliminary Approval with the  
2 attached Memorandum of Points And Authorities, along with the Declaration of Jennifer L.  
3 Connor and the Declaration of Elsy Garcia De Mira submitted concurrently herewith, including  
4 the attached Settlement Agreement entered into by the Parties and other attached exhibits, the  
5 records and files in this action, and any further evidence or argument that the Court may properly  
6 receive at or before the hearing of said motion.  
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9 Date: August 19, 2013  
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Respectfully submitted,

**SPIRO MOORE LLP**

11 By:   
12 Jennifer Connor

Ira Spiro

Justin Marquez

Denise Diaz

13 Attorneys for Plaintiff and the putative  
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